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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, : Case No. 2:19-mj-00950-NJK
Plaintiff, :
v. : **FIFTH STIPULATION**
ALLEN MILLER, : **CONTINUE**
Defendant. :
:

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Bianca R. Pucci, Assistant United States Attorney, counsel for the United States of America (hereinafter “the Government”), and Nicholas Wooldridge, Wooldridge Law Ltd., counsel for Allen Miller (“the Defendant”) (collectively, “the Parties”), that the preliminary hearing currently scheduled June 24, 2020, be vacated and set to a date and time convenient for this court but no earlier than sixty (60) days.

1 The Stipulation is entered into for the following reasons:

2 1. The additional time requested herein is not sought for purposes of delay, but to
3 permit counsel for the defendant to review discovery and conduct investigation in this case in
4 order to determine whether there are any issues that must be litigated and whether the case
5 will ultimately go to preliminary hearing or will be resolved through negotiations.

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7 2. The defendant is incarcerated and does not object to the continuance.

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9 3. The parties agree to the continuance.

10 4. The additional time requested herein is not sought for purposes of delay, but
11 merely to allow counsel for defendant sufficient time within which to be able to effectively
12 and complete investigation of the discovery materials provided.

13 5. Denial of this request for continuance would waste limited judicial resources, and
14 deny counsel for the defendant sufficient time to effectively represent the defendant.

15 6. Additionally, denial of this request for continuance could result in a miscarriage
16 of justice. The additional time requested by this stipulation is excludable in computing the
17 time within which the trial herein must commence pursuant to the Federal Rules of Criminal
18 Procedure 5.1(d), the Speedy Trial Act, § 3161(h)(7)(A), considering the factors under Title
19 18, United States Code §§ 3161(h)(7)(B).^[1]

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21 This is the Fifth Stipulation to continue filed herein.

22
23 DATED: June 16, 2020

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25 WOOLDRIDGE LAW, LTD.

NICHOLAS A. TRUTANICH

United States Attorney

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27 By /s/ Nicholas M. Wooldridge
28 NICHOLAS M. WOOLDRIDGE
 Counsel for Defendant

By /s/ Bianca R. Pucci
Bianca R. Pucci
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, : Case No. 2:19-mj-00950-NJK
Plaintiff, :
v. :
ALLEN MILLER, :
Defendant. :
: **STIPULATION TO**
CONTINUE

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to review discovery and conduct investigation in this case in order to determine whether there are any issues that must be litigated and whether the case will ultimately go to preliminary hearing or will be resolved through negotiations.

2. The defendant does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay.

Denial of this request for continuance would waste limited judicial resources, and deny counsel for the defendant sufficient time to effectively represent the defendant

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excusable in computing the time within which the trial herein must commence pursuant to the Federal Rules of Criminal Procedure 5.1(d), and the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A),

considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice.

The continuance sought herein is excusable under the Federal Rules of Criminal Procedure 5.1(d), and the Speedy Trial Act, title 18, United States Code, Section § 3161(h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the preliminary hearing is continued to August 27, 2020, at 4:00 p.m.

DATED this 18th day of June, 2020.

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